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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,930	11/16/2001	Kenneth E. Flick	16107N	5501
27975 7590 05/17/2007 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			EXAMINER NGUYEN, NAM V	
			ART UNIT 2612	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5X

Office Action Summary	Application No. 09/993,930	Applicant(s) FLICK, KENNETH E.	
	Examiner Nam V. Nguyen	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15-24,26-29,31-34,36,37,39-48,50-60 and 62-71 is/are rejected.
- 7) ☒ Claim(s) 2,14,25,30,35,38,49 and 61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the applicant's Pre-Appeal Brief Request for Review which is filed January 8, 2007.

Claims 1-71 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-71, filed January 8, 2007 have been fully considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-13, 15-24, 26-29, 31-34, 36, 37, 39-48, 50-60 and 62-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Liotine et al. (US# 64,529,980).

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Referring to claims 1, 13, 34, 48 and 60, Liotine et al. disclose a method and remote control system for garage door openers and other devices as recited in claims 1, 13, 24, 29, 34, 48 and 60. See Figures 1-9 and respective portions of the apparatus and method.

Liotine et al. disclose the remote control system for garage door openers and other devices include a flashing ready signal to indicate to the operator that the programming cycle has been completed (column 1 lines 52 to 55; see Figure 2),

at least one uniquely coded remote transmitter (9) (column 2 lines 44 to 58; see Figure 1); and a receiver (30) being switchable by a program mode switch (41) to a programming mode for learning a unique code of a remote transmitter (9) to define a learned remote transmitter (9), said receiver (30) also being switchable to a door moving mode (i.e. a normal mode) for moving the access door based upon receiving a signal from the learned remote transmitter (9) (column 3 lines 10 to column 4 lines 34; see Figures 3 and 4);

said receiver (30) cooperating with said the flashing ready signal to indicate to the operator that the programming cycle has been completed based upon said receiver (30) being switched to the normal mode by the program switch being opened (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 2 to 4).

Referring to Claims 24 and 29, Liotine et al. disclose a remote control system for moving an access door, to the extent as claimed with respect to claim 1 above, said controller cooperating with said at least one indicator for continuously or repeatedly (i.e. state of repeatedly flash to indicate the program is completed is continuously indicating) a new uniquely coded remote transmitter has been learned (column 5 lines 30 to 34; see Figure 2).

Referring to claims 3, 15, 39, 50 and 62, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein indication of whether a new uniquely coded remote transmitter has been learned comprises indicating (i.e. flashing) a change in a number of learned remote transmitters (i.e. output selected channel for approximately 6 second) (column 5 lines 2 to 16; see Figure 4).

Referring to claims 4, 16, 40, 51 and 63, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 29, 34, 48 and 60, wherein said receiver (30) cooperates with said at least one indicator for indicating a change in a unique code of learned remote transmitters (column 5 lines 30 to 34; see Figure 4).

Referring to claims 5, 17, 26, 31, 36, 52 and 64, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein said at least one indicator comprises at least one of a visual flashing ready signal (column 5 lines 30 to 34; see Figure 2).

Referring to claims 6, 18, 27, 32, 41, 53 and 65, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, further comprising a remote door switch (22) for switching said receiver (30) to the door moving mode (column 2 lines 52 to 58; see Figure 1).

Referring to claims 7, 37, 42, 54 and 66, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 29, 34, 48 and 60, further comprising a remote indicator switch (41) (i.e. a program mode switch) for causing said receiver (30) to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 1 to 4).

Referring to claims 8, 19-20, 43, 55 and 67, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, further comprising: at least one light connected to said controller and being energized when said controller is switched to the door moving mode; and a remote light switch for also causing said at least one light to be energized, and for causing said controller to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 1 to 4).

Referring to claims 9, 21, 44, 56 and 68, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 34, 48 and 60, wherein said at least one uniquely coded remote transmitter comprises a learned transmitter indicator switch (16-19) (i.e. number of channel select inputs) for causing said receiver (30) to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 2 lines 48 to 58; column 3 lines 57 to 61; see Figure 1).

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Referring to claims 10, 22, 45, 57 and 69, Liotine et al. disclose the method and the remote control system according to Claims 9, 21, 44, 56 and 66, wherein said receiver comprises a RF receiver (32) and a transmitter (36) and wherein said at least one uniquely coded remote transmitter (9) comprises a remote a RF receiver (21) and a transmitter (11) (column 2 lines 44 to column 3 line 8; see Figures 1 and 3) and a remote indicator associated therewith so that selection of said learned transmitter indicator switch (16-19) (i.e. number of channel select inputs) causes said receiver (30) to cooperate with said remote indicator via said RF receiver/transmitter and programming signal receiver/transmitter for indicating whether a new uniquely coded remote transmitter (9) has been learned (column 1 lines 45 to 59; column 5 lines 30 to 34).

Referring to claim 11, 46, 58 and 70, Liotine et al. disclose the method and the remote control system according to Claims 1, 34, 48 and 60, wherein the learned remote transmitter transmits a pseudo randomly coded signal to said receiver (30) (column 1 lines 42 to 48; column 3 lines 34 to 43; column 4 lines 47 to 54; see Figures 1 and 3).

Referring to claim 12, 23, 28, 33, 47, 59 and 71, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein the access door comprises a garage door (column 1 lines 18 to 22).

Allowable Subject Matter

Claims 2, 14, 25, 30, 35, 38, 49 and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 2, 14, 25, 30, 38, 49 and 61, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein indication of whether a new uniquely coded remote transmitter has been learned comprises indicating a number of learned remote transmitters.

Referring to claim 35, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein said at least one indicator progressively indicates a passage of time since the learning mode has been exited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dykema (US# 5,442,340) discloses a trainable RF transmitter including attenuation control.



Zeinstra et al. (US# 5,479,155) disclose a vehicle accessory trainable transmitter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
May 13, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER